

IOWA DISTRICT COURT, FIFTH JUDICIAL DISTRICT

**IN RE: POLK COUNTY DISTRICT
ASSOCIATE JUDGE ASSIGNMENTS
FOR 2013**

ADMINISTRATIVE ORDER 2012-29

To fully utilize Fifth Judicial District judicial resources and to promote the ideal of efficient court administration within the Fifth Judicial District:

IT IS SO ORDERED:

1. The provisions of this Order provide for and establish the assignment of judicial duties and responsibilities of all Fifth Judicial District Associate Judges in Polk County for calendar year 2013.

2. District Associate Judges are assigned to attend to and preside over all judicial matters and proceedings authorized by statute, including mental health, within the county of their residence and elsewhere in the Fifth Judicial District as assigned by the Chief Judge.

3. Judicial duties and responsibilities of the eleven Polk County District Associate Judges, for purposes of assignment and administration are divided into ten benches occupying courtrooms and chambers as indicated:

Criminal #1	Courtroom 202A
Criminal #2	Courtroom 211
Criminal #3	Courtroom 109
Criminal #4	Jail Courtroom
Criminal #5	Courtroom 102
Juvenile Court	Courtroom 108
Juvenile Court	Courtroom 112
Juvenile Court	Courtroom 202B
Juvenile Court	Courtroom 315
Trials	Courtroom 101
Trials	Courtroom 206

4. Judge assignments shall be for rotating six-month terms. Assignments for 2013 are set forth in Exhibit "A" attached hereto. Judge assignments in future years shall be made pursuant to the assignment grid attached hereto as Exhibit "B." District Associate Judges shall at all times be available to attend to and preside over cases within their jurisdiction even when

not within their specific assignments.

5. The District Associate Judge assigned to courtroom 101 designated as the Trial Judge shall conduct criminal and civil trials and other proceedings within the jurisdiction of the Associate District Court. The District Associate Judge assigned to courtroom 101 shall also assist with small claims appeals. The District Associate Judge assigned to courtroom 206 shall also cover criminal trials and be assigned small claims appeals pursuant to Iowa Code Section 631.13 and civil actions for money judgment when the amount in controversy does not exceed \$10,000.00 as assigned by Court Administration. Both of these judges shall serve as a judicial resource for coverage and other matters as assigned by Court Administration. The criminal courtrooms shall be scheduled as follows:

A. Criminal No. 1 Room 202A. DA01 (Driving Offense Court).

Case Assignment. All out-of-custody arraignments, pretrials, pleas, sentencings, motion hearings and all other proceedings (except trials) in OWI (including OWI 3rd), LUR and DWB cases.

Scheduling. Case Coordinator Carol Moore schedules all events in these cases except bond forfeiture hearings and out of custody arraignments which are scheduled by the court attendant. Carol Moore also schedules pretrial conference and trial dates in simple misdemeanor cases (including traffic) where a jury demand has been made. The Court clerks will enter arraignment dates originating from jail court and out of custody initial appearances for this court on calendar 2012. The court attendant schedules arraignments from out of custody appearances and bond forfeiture.

202A Schedule

Monday	8:00-9:00	OWI arraignments
	8:30-12:00	OWI pleas and sentencings
	1:30 -2:30	Initial appearances
	2:30-4:30	Pleas and sentencings
	2:30-4:30	Last Monday of the month – Bond forfeiture hearings
Tuesday	9:00-12:00	Motions
	1:30-2:30	Initial appearances
	2:30-4:30	Motions
Wednesday	8:00-9:00	LUR AND DWB arraignments
	9:30 -12:00	LUR AND DWB pretrials, pleas and sentencings
	1:30-2:30	Initial appearances
	2:30-4:30	Motions
Thursday	8:00-9:00	OWI arraignments
	9:00-12:00	OWI pretrials
	1:30-2:30	Initial appearances
	2:30-4:30	OWI pretrials

Friday	8:00-9:00	Status Conferences
	9:00-12:00	Motions
	1:30-2:30	Initial appearances
	2:30-4:30	Motions

B. Criminal No. 2, Room 211. DA02 (Indictable Court).

Case Assignment. All out of custody, arraignments, pretrials, pleas, sentencing, motion hearings, bond forfeitures and all related proceedings in indictable misdemeanor cases and Class D felony domestic abuse cases. No trials. All simple domestic nonjury trials.

Scheduling. Carol Moore schedules all events in the court, except bond forfeiture hearings and modification of no contact order hearings which are scheduled by the court attendant. The Court clerks will schedule arraignment dates originating from jail court, and the court attendant from 202A will schedule out of custody arraignments for this court on calendar 2012.

211 Schedule

Monday	8:00-12:00	Arraignments, pleas and sentencings
	1:30-4:30	Violation NCO-All Simple Misdemeanors
Tuesday	8:00-9:00	Arraignments, pleas and sentencings – (Dom. Abuse cases only)
	9:00-12:00	PTC on Domestic only
	1:30-4:30	Simple Misdemeanors, Dom. Abuse Trials Last Tues of the month bond forfeiture hearings (including Class D Domestic Abuse cases)
Wednesday	8:00-12:00	Arraignments-pleas and sentencings
	10:00-12:00	Motions
	1:30-2:30	Violation NCO Hearings
	2:30-4:30	Modification of no contact orders-indictable and Class D Domestic Abuse cases Hearings on violation of NCO (domestic)
Thursday	8:00-9:00	Arraignments-pleas and sentencings – Drug charges
	9:00-12:00	PTC on misdemeanor drug cases-no felony cases
	1:30-4:30	Status Conferences and/or Motions
Friday	8:00-9:00	Arraignments –pleas and sentencings – All other charges
	9:00-12:00	PTC on all other indictable case
	1:30-4:30	Motions

C. Criminal No. 3, Room 109. DA03 (Supervisory/Probation Court)

Case Assignment. Indictable and Class D felony probation revocation proceedings for

OWI 3rd and Domestic Abuse 3rd; no contact order violations other than domestic assault cases; all fine collection, restitution and payment plans under \$10,000.00; preliminary hearings; forfeiture and seized property hearings under \$5,000.00; formal bond reviews on indictables. No trials. The judge shall also sign all misdemeanor TI's and bond outs.

Scheduling. The Court Clerks on duty in the morning hours will schedule all these matters that originate in Jail Court during initial appearances. Jail Case Coordinator Kellie Meyer will schedule all these matters that originate in Jail Court in the afternoon Court session. The matters that are continued or originally scheduled for out-of-custody defendants shall be scheduled by the Court Attendant assigned to this court.

109 Schedule

Monday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews or misc. hearings
	1:30-4:30	Out of custody probation hearings
Tuesday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews
	1:30-4:30	Evidentiary probation hearings (indictables) for in and out of custody defendants
Wednesday	8:00-9:00	Preliminary Hearings
	9:30-12:00	Out of custody probation hearings
	1:30-4:30	Contempt hearings
Thursday	8:00-10:00	Preliminary Hearings
	10:00-12:00	Any restitution hearings, bond reviews
	1:30-4:30	Out of custody probation hearings
Friday	8:00-9:00	Preliminary Hearings
	9:00-12:00	Seized property scheduling conferences
	2:00-4:30	Seized property hearings

D. Criminal No. 4. Jail Court. DA04

Case Assignment. In custody felony and indictable misdemeanor arraignments, initial appearances, indictable misdemeanor and D felony pleas & sentencings (OWI 3rd and Domestic Abuse only), hearings on in-custody probation revocations on indictables. No out-of-custody hearings. Civil mental health commitment hearings for in-custody defendants.

Scheduling. The Court Clerks on duty in the morning hours will schedule all these matters that originate in Jail Court during initial appearances to appropriate calendars. Kellie Meyer will schedule all these matters that originate in Jail Court in the afternoon Court session.

Jail Court Schedule.

All matters that are to be scheduled in Jail Court shall be done through the Jail

Court Case Coordinator or other Case Coordinators on approved scheduling orders.

E. Criminal No. 5, Room 102. DA05 (Simple Misdemeanor/Traffic Court)

Case Assignment. Initial Appearances on traffic cases, LUS cases, and simple misdemeanors which are not associated with an indictable misdemeanor, all non-jury trials involving traffic cases and simple misdemeanors and pre-trial conferences.

Scheduling. Initial appearances are scheduled by the Clerks. Pre-trials and trials are scheduled by the court attendants for Room 102, Jail court, Room 202A and Room 211.

102 Schedule

Monday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:30	Initial Appearances
	2:00	Highway Patrol Traffic Trials
Tuesday	9:00	Initial Appearances
	9:30	Simple Pretrials on State charges every 15 min.
	10:00	1 st Tuesday of the month, any contempt hearings/bond forfeiture
	1:30	Initial Appearances
	2:00	City Traffic Trials
Wednesday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	State Simple Trials
	1:30	Initial Appearances
	2:00	City Traffic Trials
Thursday	9:00	Initial Appearances
	9:30	State Traffic Trials
	10:00	City and State Simple Trials
	1:30	Initial Appearances
	2:00	City and State Traffic Trials
Friday	9:00	Initial Appearances
	9:30	Polk County Sheriff Traffic/DOT/DNR Trials
	10:00	State Simple Trials
	1:30	Initial Appearances
	2:00	Overflow motions from 202A

F. Calendar 2012. This calendar is used to schedule indictable misdemeanor arraignments for courtroom 202A and 211 and out of custody initial appearances. Court Clerks on duty in the morning hours will schedule all these that originate in Jail Court during initial appearances. Kellie Meyer will schedule all these that originate in Jail Court in the afternoon Court session. The 202A court attendant will schedule arraignments for out-of-custody initial appearances.

G. Assignment of Class D felony matters to District Court.

a) District Court Criminal No. 1 (DCC1). Class D felony in custody pleas, sentencings, and probation revocation proceedings (not including felony domestic abuse, OWI 3rd and drug offenses) are assigned to Room 204. In custody arraignments shall remain in jail court.

b) District Court Drug Docket (DCC4). Class D felony drug in custody pleas, sentencings, and probation revocation proceedings are assigned to Room 207.

c) Probation Revocation Proceedings. Upon the filing of a Report of Violations regarding felony offenders, the Department of Correctional Services shall review the case for expedited disposition. Violations that cannot be resolved shall be scheduled for pre-trial conference within seven (7) days for felonies other than domestic abuse and OWI 3rd in Room 204 or Room 207. All other probation violations shall be scheduled in Room 109. The probation officer assigned to the case shall appear for the pre-trial with authority to resolve the violation. These pre-trial conferences shall be meaningful events. Violations that cannot be resolved at the pre-trial shall be scheduled for evidentiary hearing at the earliest possible date.

H. Coverage/Trials/Small Claims Appeals/First Round Domestic Abuse Protective Orders, Rooms 101 and 206. Judges assigned to Room 101 and 206 shall provide coverage to the other District Associate Criminal Courts as necessary, and shall serve as back-up coverage for first round domestic abuse cases from the district court Family Law courtrooms (412 and 413) as assigned by Court Administration. If neither of the judges assigned to Rooms 101 or 206 are available, first round domestic abuse cases shall be handled by the judge assigned to courtroom 109, and then to any other district associate court judge available in Polk County as assigned by Court Administration. All jury trial and trial date pleas are to be scheduled for Courtroom 101. Carol Moore, DAJ Case Coordinator, shall assign all misdemeanors and Class D felony trials to the 101 and 206 judges to the extent of their availability. Carol Moore shall next call the judge assigned to traffic in Room 102 for misdemeanor trials whenever a magistrate is available to cover traffic in Room 102. Carol Moore shall also utilize senior judges whenever they are available. If these judges are not available, Carol Moore shall contact Case Coordinator Janice Cooney to assign the district judges in Room 209A and 208 as the next call for Class D felony and indictable misdemeanor trials. When these judicial resources are unavailable, Carol Moore may call Civil Case Coordinator Colleen Adams to assign misdemeanor and Class D felony trials, to the district judges of the Polk County General Trial

Assignment of the rural judges.

The Civil Division of the Polk County Clerk of Court shall assign all small claims appeals from the decisions of Polk County Magistrates to the Room 206 judge. The Room 206 judge may share small claims appeals with the Room 101 judge on an equitable basis depending upon the availability of that trial judge.

Colleen Adams may assign civil trials involving an amount in controversy of \$10,000.00 or less to the Room 101 and 206 judges on a case by case basis depending on their availability. However, coverage and criminal matters shall take priority.

IT IS FURTHER ORDERED that the District Associate Court Judges of Election Districts 5A and 5B shall be assigned to cover Polk County District Associate Court from time to time as necessary. Likewise, District Associate Court Judges of Election District 5C, Polk County, shall be assigned to cover District Associate Court in 5A and 5B as needed.

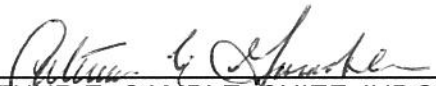
6. Cynthia Moisan shall serve as Presiding District Associate Judge for 2013. The Presiding District Associate Judge shall in consultation with the Chief Judge and District Court Administrator develop and implement a regimen for the District Associate Judges, Polk County Judicial Magistrate, and Senior District Associate Judges consistent with the general assignment herein established, to the end that District Associate Court officers, personnel and resources are fully utilized.

7. The duties and responsibilities of District Associate Criminal #4 assigned to the Court facilities located in the Polk County Jail shall be all inclusive of a District Associate Judge's authority and jurisdiction in criminal matters. District Associate Criminal #4 shall expedite judicial proceedings of all persons incarcerated in the Polk County Jail. Judicial proceedings within the jurisdiction and assignment of the District Associate Court involving incarcerated persons shall without exception be held at the Polk County Jail unless due to statute, rule, procedural due process or other legal reason the judicial proceeding must take place in the Polk County Courthouse. Felony arraignments of in-custody defendants shall be conducted by a District Associate Judge in the jail courtroom. Preliminary hearings of in-custody defendants shall be conducted in Room 109. All mail originating from incarcerated persons in the Polk County Jail addressed to the Court or Clerk of Court shall be attended to by District Associate Criminal #4. Such mail addressed to a named Judge shall be attended to by the named Judge. The designation of jail court as a place of holding court in Polk County is currently under review. This order may be amended to reflect the results of this review.

8. The Court Administrator and Clerk of Court shall assist the Presiding District

Associate Judge and District Associate Judges in complying with this Order and achieving the objectives thereof.

DATED this 4th day of October, 2012.


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies to:
Chief Justice Mark Cady, Iowa Supreme Court
Liaison Justice David Wiggins, Iowa Supreme Court
State Court Administrator, David Boyd
Fifth Judicial District Judges, Staff and
Stakeholders by e-mail and
Posting on Judicial Branch Website

FILED
POLK COUNTY, IA.
12 OCT -4 PM 2:45
CLERK DISTRICT COURT

**2013 POLK DISTRICT ASSOCIATE JUDGE ROTATION
EXHIBIT "A" to Administrative Order 2012-29**

ASSIGNMENT	Jan., 2013	THRU	June, 2013	June, 2013	THRU	Jan., 2014	Jan., 2014	THRU	June, 2014
Criminal # 1 (Drivers Court) Courtroom 202A			Birkenholz			Moisan			Egly
Criminal #2 (Indictables) Courtroom 211			Coppola			McGhee			Birkenholz
Criminal #3 (Probation) Courtroom 109			McGhee			Birkenholz			Moisan
Criminal #4 Jail			Price			Brandt			Coppola
Criminal #5 Courtroom 102 (Traffic-Simple Misd.)			Egly			Price			Brandt
Juvenile Courtroom 108			Belcher			Belcher			Belcher
Juvenile Courtroom 202B			Seymour			Seymour			Seymour
Juvenile Courtroom 112			Jacobs			Jacobs			Jacobs
Juvenile Courtroom 315			Witt			Witt			Witt
Trial Judge Room 101			Brandt			Coppola			McGhee
Civil Courtroom 206			Moisan			Egly			Price

Administrative Order 2012-29 Exhibit "B"

DATES	7-12	1-13	7-13	1-14	7-14	1-15	7-15	1-16	7-16
Criminal 1 Rm. 202A	OM	JB	CM	CE	WP	GB	CC	OM	JB
Criminal 3 Room 109	CC	OM	JB	CM	CE	WP	GB	CC	OM
Criminal 2 Room 211	GB	CC	OM	JB	CM	CE	WP	GB	CC
Trials Room 101	WP	GB	CC	OM	JB	CM	CE	WP	GB
Criminal 4 Jail	CE	WP	GB	CC	OM	JB	CM	CE	WP
Criminal 5 Room 102	CM	CE	WP	GB	CC	OM	JB	CM	CE
Civil Room 206	JB	CM	CE	WP	GB	CC	OM	JB	CM
Juvenile	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB	Ctrm 108 RB
Juvenile	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ	Ctrm 112 LJ
Juvenile	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS	Ctrm 202B RS
Juvenile	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW	Ctrm 315 CW

CC = C. Coppola CE = C. Egly CM = C. Moisan GB = G. Brandt JB = J. Birkenholz
 RB = R. Belcher RS = R. Seymour LJ = L. Jacobs OM = O. McGhee WP = W. Price CW = C. Witt